



Reply To
Attn Of: HW-113

MEMORANDUM

SUBJECT: EPA Region 10 Final Comments on Elemental Phosphorus
Production Chapter of Work Group Draft Report to
Congress on Special Wastes from Mineral Processing

FROM: Charles E. Findley, Director
Hazardous Waste Division, EPA Region 10

TO: Robert W. Hall, OS-323
Mineral Processing Wastes Report to Congress Work Group

My staff has recently completed their review of the May 25, 1990 Work Group Draft Report to Congress on Mineral Processing Wastes. We have several concerns regarding statements and conclusions drawn in the chapter on Elemental Phosphorus Production that we believe need to be addressed. We recognize that these concerns may apply only to the facilities in Idaho.

1. Several statements on pages 7-11, 7-12, 7-13, and 7-15 suggest that conditions at the FMC and Monsanto facilities might limit the potential for release of contaminants to the groundwater. It is important to note that Superfund has proposed both of these facilities for inclusion on the National Priorities List. These proposals were based mainly on the observed release of hazardous substances to groundwater. These are the same substances that have been identified in Exhibits 7-4 and 7-5 of the draft Report to Congress. Whether or not the substances originate from the slag piles or other waste disposal locations will be further examined in the Superfund Remedial Investigation. These observed releases clearly contradict the statements made in the report that low levels of groundwater recharge and large depths to groundwater at these facilities limit the potential for groundwater contamination. Groundwater contamination has occurred at both FMC and Monsanto regardless of the low theoretical potential.

2. The discussion on pages 7-17 and 7-18 regarding the potential for release of slag particles to the air suggests that this can not be much of a problem because such a small fraction of the slag could be suspended in air. This discussion is contradicted by the statements later on page 7-18 regarding the actual situations at the FMC and Monsanto facilities, and also by numerous observations by EPA personnel at both facilities.

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Further, it is significant to note that the highway adjacent to FMC has signs stating that it is a "Low Visibility Area" because of the blowing dust.

3. We believe that the statement in the first paragraph of section 7.3.3 that "these wastes pose a low risk to human health and the environment, as currently managed" is misleading in that the current management of the slag at FMC includes the sale of this material for off-site construction. The risks associated with the use of slag as a construction material, as presented in the Idaho Radionuclide Report, are very significant.

4. Statements on pages 7-30 and 7-31 indicate that present on-site management of the slag does not pose significant risks to human health or the environment. Given that both FMC and Monsanto have been proposed as Superfund sites because of observed releases of hazardous substances, we believe it is premature to generalize that the on-site management of slag at all facilities is adequate. While it may not be appropriate to regulate these wastes under Subtitle C of RCRA, we are concerned that the report implies that no regulation is needed.

5. Statements on pages 7-24, 7-28, 7-29 and 7-31 reference the 1977 prohibition by the state of Idaho regarding the use of slag in the construction of habitable structures. These statements suggest that this problem has been taken care of by this state "ban". This action by the state was in fact only a program guidance memorandum sent to the companies. Compliance with this memo is apparently voluntary and to our knowledge the state does not have any actual enforcement authority over the use of the slag. For that reason we strongly endorse the recommendation in the report to develop national regulations under RCRA Section 3001(b)(3)(B)(iii) to ban the use of slag as a construction material.

In closing, we appreciate the efforts by members of the Work Group to incorporate our previous comments and the results of the recent Idaho Radionuclide Study. We offer these final comments in the hope of resolving some apparent contradictions between statements in the report and information from the Region 10 Superfund activities at these facilities to date. If you have any questions regarding our comments please contact John Meyer of my staff at FTS 399-1271.